

TITLE:

Sound and Audiovisual Records as an Evidence in Civil Proceedings

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ABSTRACT:

The thesis deals with the problems of inadmissibility of evidence by the audio and video recordings in civil proceedings. Attention is focused mainly on problems of using illegally obtained records as proofs. Diploma searches for the solution to the contemporary course which seems to be ineffectual. The thesis is divided into six chapters. The first and second chapters introduce the theoretical basis of proving in civil proceedings. The third chapter refers to the evidence by the sound and audiovisual records in the area of civil proceedings and deals with the main factors of its potential proving use. In the fourth chapter author deals with the collision of basic rights and interests, especially with the general personality right and the interest of effective Justice and proposes a Proportionality test as the solution. The fifth chapter contains a comparison of the Czech and German case law. Finally, the last, sixth chapter summarizes the most important findings and concludes the thesis.

KEYWORDS:

audio and video recordings, general personality right, proportionality test, inadmissible evidence, proving